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BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			CHEN, PO WEI	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/812,882

Applicant(s)

FAHRAEUS ET AL.

Examiner

Po-Wei (Dennis) Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

In response to an Amendment received on May 04, 2004. This action is final.

Claims 1-40 are pending in this application. Claims 1, 6, 15, 18, 28 and 31 are independent claims.

The present title of the invention is "Method and System for Digitizing Freehand Graphics with User-Selected Properties".

The Group-Art Unit of the Examiner case is now 2676. Please use the proper Art Unit number to help us serve you better.

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-7, 31-33, 36 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raviv et al. (US 6,061,052; refer to as Raviv herein) in view of Sekendur (US 5,852,434).

3. Regarding claim 6, Raviv discloses a display pointing device comprising:

A base enabling the digitization of a freehand graphic (lines 1-8 of abstract and lines 28-35 of column 5 and Fig. 12; while claim recites freehand graphic, the term is broad enough to include the drawing method disclosed by Raviv. Display screen corresponds to base);

A surface; on the surface, a position-coding pattern detectable by an optical sensor; a first area of the surface; a second area of the surface visually distinct from the first area (lines 7-14 of column 3, lines 40-67 of column 4 and lines 1-11 of column 5 and Fig. 10-11; it is noted that the coding

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pattern on the screen (surface) sensed by the optical sensor on the pointing device is used to determine position. Also, while claim recites first and second areas, since claim does not specify any limitation on the areas, each numerical symbol region in Fig. 10 can represent an individual area. And each numerical symbol region is visually distinct from each other).

Raviv does not disclose a position-coding pattern fixed to the surface. Sekendur discloses a method of determining optical position utilizing the surface (lines 7-22 of column 3 and lines 1-50 of column 5 and Fig. 1-7; while claim recites position-coding pattern fixed to the surface, the term is broad enough to include the position coding pattern on the surface such as paper disclosed by Sekendur). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Raviv by substituting the surface with position-coding pattern of Sekendur for the surface with position-coding pattern of Raviv because Sekendur teaches by utilizing the surface, it will provide the user a system most closely emulates the use pen/pencil and paper. Thus, it will be more comfortable and easier for user to use (lines 17-28 of column 2 and lines 65-67 of column 4).

4. Regarding claim 7, Raviv does not disclose that the second area is physically separated from the first area (assuming the claim means the two are not at all connected to one another). However, by having the second area physically separated from the first area does not provide additional function to the system disclosed by Raviv. Thus, it would have been a matter of design choice. Also, it would appear that the claim is broad enough to be read as just having two different, non-overlapping areas. If so, the claim could be read on different numerical regions of Fig. 9-10, for example.

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5. Regarding claim 31, statements presented above, with respect to claim 6 are incorporated herein. Furthermore, Raviv discloses a display pointing device comprising:

A second area of the surface having no overlap with the first area; the second area having a plurality of sub-areas; at least one of the plurality of sub-areas having a visual indicator representing specific information a user can submit to a computer system by moving a drawing device over the at least one of the plurality of sub-areas (lines 40-67 of column 4 and lines 1-35 of column 5 and Fig. 9-10; numerical regions correspond to first area and non-numerical regions correspond to second area where they do not overlap and each with sub-areas. And each sub-area has its visual indicator, such as "4" or "+" which can be submitted to the system by using the optical sensor on the pointing device, which can also be a drawing device).

6. Regarding claims 32 and 33, Raviv discloses a display pointing device comprising:

The visual indicator comprises at least one alphanumeric symbol and the plurality of sub-areas are visually separated (Fig. 9-10).

7. Regarding claim 36, Raviv does not disclose position coding pattern is printed on said surface of said base. Sekendur discloses an absolute optical position determination utilizing the method (lines 16-22 and 57-60 of column 3 and lines 30-31 of column 7). Both Raviv and Sekendur are directed to method of using optical sensor to detect coding pattern for determining position of the pointing device such as a stylus. It would have been obvious to one of ordinary skill in the art to modify Raviv by substituting the surface as taught by Sekendur for the surface screen as taught by Raviv to provide the ability to utilize the function of detecting position coding pattern using optical sensor on a more flexible surface, such as paper that is easy to work

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on, instead having a complex, large, heavy, cumbersome and expensive surface interface, such as one disclosed by Raviv.

8. Regarding claim 40, statements presented above, with respect to claim 36 are incorporated herein.

9. Claims 1-3, 5, 15-24, 26-30, 35 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raviv et al. (US 6,061,052; refer to as Raviv herein) in view of Sekendur (US 5,852,434) and More et al. (US 5,194,852; refer to as More herein).

10. Regarding claim 1, Raviv discloses a display pointing device comprising:

A system for digitizing a freehand graphic (lines 1-8 of abstract and lines 28-35 of column 5 and Fig. 12; while claim recites freehand graphic, the term is broad enough to include the drawing method disclosed by Raviv);

A base including: a surface; a position-coding pattern detectable by an optical sensor; a first area of the surface; and a second area of the surface (lines 7-41 of column 3, lines 40-67 of column 4 and lines 1-11 of column 5 and Fig. 10-11; it is noted that the coding pattern on the screen (surface) is used to determine position. Also, while claim recites first and second areas, since claim does not specify any limitation on the areas, each numerical symbol region in Fig. 10 can represent an individual area);

A drawing device having an optical sensor functional to detect a position in the position-coding pattern (lines 7-14 and 30-40 of column 3 and lines 28-35 of column 5 and Fig. 1-3 and 12);

A microprocessor adapted to perform the following actions (lines 45-49 of column 1 and Fig. 1; while claim recites microprocessor, it is clear that the processing circuitry includes a

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processor to process the output from the optical sensor to identify the location of the pointing device):

Determining if the position detected by the optical sensor is in the first area or the second area (lines 40-67 of column 4 and lines 1-11 of column 5 and Fig. 10-11; the numerical and non-numerical symbol regions correspond to first and second areas and the position on which area is determined by the coding pattern sensed by the optical sensor);

Raviv does not disclose a position-coding pattern fixed to the surface. Sekendur discloses a method of determining optical position utilizing the surface (lines 7-22 of column 3 and lines 1-50 of column 5 and Fig. 1-7; while claim recites position-coding pattern fixed to the surface, the term is broad enough to include the position coding pattern on the surface such as paper disclosed by Sekendur). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Raviv by substituting the surface with position-coding pattern of Sekendur for the surface with position-coding pattern of Raviv because Sekendur teaches by utilizing the surface, it will provide the user a system most closely emulates the use pen/pencil and paper. Thus, it will be more comfortable and easier for user to use (lines 17-28 of column 2 and lines 65-67 of column 4).

The combination of Raviv and Sekendur does not disclose if the position is in the first area of the surface, then interpreting the position as a point in the freehand graphic; and if the position is in the second area of the surface, then interpreting the position as a selection of a property for the freehand graphic. More discloses a portable interactive electro-optic data input/output display device utilizing the method (lines 8-12 and 29-64 of column 12 and Fig. 1; it is noted that the display device of Fig. 1 has different areas where element 63 corresponds to first

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area for freehand graphic and elements 41-60 corresponds to second area where selection of property for the freehand graphic can be made. And the position is determined by sensing which area is being touched by the input pen). Both Raviv and More are directed to using input pen to create digital graphic information on a display. It would have been obvious to one of ordinary skill in the art to modify Raviv by substituting the display as taught by More for the display as taught by Raviv to provide more functions in creating better digital graphics in a highly portable and interactive information entry, processing, storage and display device (lines 42-44 of column 6 of More).

11. Regarding claims 2 and 3, Raviv discloses a display pointing device comprising:

The drawing device includes the microprocessor; the microprocessor resides externally of the drawing device (lines 7-14 of column 3 and Fig. 1-2; it is clear that the processing circuitry includes a processor to process the output from the optical sensor to identify the location of the pointing device).

12. Regarding claim 5, Raviv does not disclose a display to indicate a property selected from the second area. More discloses a portable interactive electro-optic data input/output display device utilizing the method (lines 59-68 of column 31 and lines 1-2 of column 32 and Fig. 1; the property (text or graph) selected is being indicated by highlighting or displaying on another area). Both Raviv and More are directed to using input pen to create digital graphic information on a display. It would have been obvious to one of ordinary skill in the art to modify Raviv by substituting the display as taught by More for the display as taught by Raviv to provide more functions in creating better digital graphics in a highly portable and interactive information entry, processing, storage and display device (lines 42-44 of column 6 of More).



13. Regarding claim 15, statements presented above, with respect to claim 1 are incorporated herein.

14. Regarding claim 16, Raviv discloses a display pointing device comprising:

The microprocessor is adapted to assign a time-stamp to the position detected by the optical sensor (lines 36-55 of column 5 and lines 30-42 of column 8 and Fig. 13-14; while claim recites assigning a time-stamp, it is noted that different patterns sensed by the optical sensor are in time sequence to provide moving direction of the pointing device. Thus, it is clear that each pattern or position has a time sequence indicated by the processing circuitry (microprocessor)).

15. Regarding claim 17, Raviv discloses a display pointing device comprising:

The microprocessor is adapted to determine an order in which the position was detected relative to other positions detected by the optical sensor (lines 36-55 of column 5 and lines 30-42 of column 8 and Fig. 13-14; it is noted that the moving direction of the pointing device is being determining by the order of different regions being detected by the optical sensor. Processing circuitry corresponds to the microprocessor).

16. Regarding claim 18, statements presented above, with respect to claim 1 are incorporated herein. Furthermore, Raviv discloses that the position is detected by optical sensor of the input pointing device being placed and moved on the surface of the screen (lines 28-55 of column 5 and Fig. 12).

17. Regarding claims 19-20, statements presented above, with respect to claims 16-17 are incorporated herein.

18. Regarding claim 21, Raviv discloses a display pointing device comprising:

Determining a sub-area of the second area in which the position lies (lines 40-67 of column 4 and Fig. 9-10; non-numerical regions can be considered as sub-areas of the second area and their positions can be determined by the optical sensor).

Raviv does not disclose determining a property for the freehand graphic; determining that the property for the freehand graphic comprises a property represented by the sub-area. More discloses a portable interactive electro-optic data input/output display device utilizing the method (lines 58-60 of column 12, lines 59-68 of column 31 and lines 1-2 of column 32 and Fig. 1; the property (text or graph) of the freeform graphic is being determined when selected by user). Both Raviv and More are directed to using input pen to create digital graphic information on a display. It would have been obvious to one of ordinary skill in the art to modify Raviv by substituting the display as taught by More for the display as taught by Raviv to provide more functions in creating better digital graphics in a highly portable and interactive information entry, processing, storage and display device (lines 42-44 of column 6 of More).

19. Regarding claim 22, Raviv does not disclose if the position lies in the second area, then displaying a portion of the freehand graphic drawn after determining the property for the freehand graphic in visual accordance with the property. More discloses a portable interactive electro-optic data input/output display device utilizing the method (lines 33-41 of column 35 and lines 29-31 of column 36 and Fig. 1; it is noted that when the property is determined to be graph mode, the path of input pen is made visible according to the mode selected). Both Raviv and More are directed to using input pen to create digital graphic information on a display. It would have been obvious to one of ordinary skill in the art to modify Raviv by substituting the display as taught by More for the display as taught by Raviv to provide more functions in creating better

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digital graphics in a highly portable and interactive information entry, processing, storage and display device (lines 42-44 of column 6 of More).

20. Regarding claim 23, Raviv does not disclose if the position lies in the second area, then after determining the property for the freehand graphic, applying the property determined to all portions of the freehand graphic created until a new property for the freehand graphic is selected. More discloses a portable interactive electro-optic data input/output display device utilizing the method (lines 33-41 of column 35 and lines 29-31 of column 36 and Fig. 1; it is noted that the property, text or graph, activates the area for the freehand graphic (element 63 of Fig. 1) to be under the mode selected by the user. And until the user touches the sub-area of the property again, the mode does not change). Both Raviv and More are directed to using input pen to create digital graphic information on a display. It would have been obvious to one of ordinary skill in the art to modify Raviv by substituting the display as taught by More for the display as taught by Raviv to provide more functions in creating better digital graphics in a highly portable and interactive information entry, processing, storage and display device (lines 42-44 of column 6 of More).

21. Regarding claim 24, Raviv does not disclose if the position lies in the second area, then displaying a portion of the freehand graphic drawn before determining the property for the freehand graphic in visual accordance with the property. More discloses a portable interactive electro-optic data input/output display device utilizing the method (lines 33-41 and lines 44-47 of column 35 and Fig. 1; it is noted that when graphic mode is chosen, the previously entered text is visible to the user). Both Raviv and More are directed to using input pen to create digital graphic information on a display. It would have been obvious to one of ordinary skill in the art to modify

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Raviv by substituting the display as taught by More for the display as taught by Raviv to provide more functions in creating better digital graphics in a highly portable and interactive information entry, processing, storage and display device (lines 42-44 of column 6 of More).

22. Regarding claims 26-27, statements presented above, with respect to claim 18 are incorporated herein. Also see lines 45-49 of column 1 and Fig. 1 of Raviv. Processing circuitry having instructions to process the output from the optical sensor in the computer system.

23. Regarding claim 28, statements presented above, with respect to claim 18 are incorporated herein. Furthermore, Raviv does not disclose determining a visual property mapped to the position in the selection area; until a new indicator of a position in the selection area is received, applying the visual property to portions of the freehand graphic thereafter drawn by movement over a drawing area. More discloses a portable interactive electro-optic data input/output display device utilizing the method (lines 33-44 of column 35 and lines 29-31 of column 36 and Fig. 1; it is noted that the visual property, text or graph, activates the area (see element 63 of Fig. 1) to be under the mode selected by the user. Therefore, the visual property is mapped to the position of the selection area. And until the user touches the sub-area of the property again, the mode does not change).

24. Regarding claim 29, Raviv does not disclose displaying an indication of the visual property when it is being applied. More discloses a portable interactive electro-optic data input/output display device utilizing the method (lines 67-68 of column 31 and lines 1-2 of column 32 and Fig. 1). Both Raviv and More are directed to using input pen to create digital graphic information on a display. It would have been obvious to one of ordinary skill in the art to modify Raviv by substituting the display as taught by More for the display as taught by Raviv

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to provide more functions in creating better digital graphics in a highly portable and interactive information entry, processing, storage and display device (lines 42-44 of column 6 of More).

25. Regarding claim 30, statements presented above, with respect to claim 28 are incorporated herein. Also see lines 45-49 of column 1 and Fig. 1 of Raviv. Processing circuitry having instructions to process the output from the optical sensor in the computer system.

26. Regarding claims 35 and 37-39, statements presented above, with respect to claim 36 are incorporated herein.

27. Claims 8-10 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raviv et al. (US 6,061,052; refer to as Raviv herein) and Sekendur (US 5,852,434), as applied to claims 6 and 31 above, and further in view of More et al. (US 5,194,852; refer to as More herein).

28. Regarding claims 8-10, Raviv discloses a display pointing device comprising:

The second area includes a plurality of visually distinct sub-areas (Fig. 9-10; since areas are not specifically defined, the example of Fig. 9-10 can be considered as 2 areas where each area includes a group of sub-areas. For example, all the numerical symbols can be considered as first area and the rest of the sub-areas can be considered as second area. And they are all visually distinct sub-areas).

The combination of Raviv and Sekendur does not disclose at least one of the sub-areas comprises a label representing a property for a freeform graphic and at least one of the sub-areas comprises an indication of a property for a freeform graphic. More discloses a portable interactive electro-optic data input/output display device utilizing the method (lines 58-60 of column 12, lines 59-68 of column 31 and lines 1-2 of column 32 and Fig. 1; the property (text or graph) of the freeform graphic selected is being indicated by highlighting (label) or displaying on

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another area). Both Raviv and More are directed to using input pen to create digital graphic information on a display. It would have been obvious to one of ordinary skill in the art to modify Raviv by substituting the display as taught by More for the display as taught by Raviv to provide more functions in creating better digital graphics in a highly portable and interactive information entry, processing, storage and display device (lines 42-44 of column 6 of More).

29. Regarding claim 34, the combination of Raviv and Sekendur does not disclose the specific information comprises an ASCII code corresponding to the visual indicator. More discloses a portable interactive electro-optic data input/output display device utilizing the method (lines 22-28 of abstract, lines 67-68 of column 31 and lines 1-23 of column 32 and Fig. 1; it is noted that the message (text mode) displayed to indicate selected property is in ASCII format as the system suggested).

30. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raviv et al. (US 6,061,052; refer to as Raviv herein), Sekendur (US 5,852,434) and More et al. (US 5,582,434; refer to as More herein) as applied to claim 1 above, and further in view of Allard et al. (US 5,815,142; refer to as Allard herein).

31. Regarding claim 4, the combination of Raviv, Sekendur and More does not disclose a cellular phone, and wherein the cellular phone includes the microprocessor. Allard teaches a apparatus and method for making text on a display screen in a personal communications device such as a cellular phone utilizing the method (lines 40-42 of column 1 and 43-47 of column 6 and Fig. 1-4). Both Raviv and Allard are directed to method of using input pointing device such as stylus to operate a graphical user interface. It would have been obvious to one of ordinary skill in the art to modify Raviv by substitute the cellular telephone as taught by Allard for the

computer system as taught by Raviv to provide the ability to utilize the function of detecting position coding pattern using optical sensor on a more portable device such as a cellular device. Thus, an efficient way to extract and use relevant information from the display screen of a cellular phone device can be achieved (lines 40-42 and 57-60 of column 1, Allard).

32. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raviv et al. (US 6,061,052; refer to as Raviv herein) and Sekendur (US 5,852,434) as applied to claim 6 above, and further in view of Weinmann et al. ("Photoshop 5.5 for Windows & Macintosh"; refer to as Weinmann herein).

33. Regarding claim 11-14, Raviv discloses a display pointing device comprising:

The second area includes a plurality of visually distinct sub-areas (Fig. 9-10; since areas are not specifically defined, the example of Fig. 9-10 can be considered as 2 areas where each area includes a group of sub-areas. For example, all the numerical symbols can be considered as first area and the rest of the sub-areas can be considered as second area. And they are all visually distinct sub-areas).

The combination of Raviv and Sekendur does not disclose at least one of the sub-areas comprises an indication of a color, a line thickness, a type of line and a layer for deposition for a freeform graphic. However, this is known in the art taught by Weinmann. Weinmann teaches a method of operating Photoshop, an image-editing tool comprising:

Indication of a color (line 1 of paragraph 1 of page 3 and 2<sup>nd</sup> Figure of page 3);

Indication of a line thickness (1<sup>st</sup> Figure of page 5; it is noted that by selecting different size of dots indicated changes the line thickness);

Indication of a type of line (page 7-8; it is noted that by select different properties for a specific line size, the type of line is changed);

Indication of a layer for deposition (section 'layers palette' of page 5-6 and 1<sup>st</sup> Figure of Page 6);

It is further noted that Photoshop provides a freeform graphic input area and different palettes (1<sup>st</sup> Figure of Page 1). And the palettes for indicating a color, a line thickness, a type of line and a layer for deposition can be displayed by user (section 'the palettes' of page 2).

It would have been obvious to one of ordinary skill in the art at the time of invention to utilize the teaching of Weinmann to provide the functions of Photoshop to a user to create a freeform graphic in Raviv because Raviv already shows the capability of creating freeform graphic image and the cited functions of Weinmann allows for more customization of the drawing.

34. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raviv et al. (US 6,061,052; refer to as Raviv herein), Sekendur (US 5,852,434) and More et al. (US 5,194,852; refer to as More herein) as applied to claim 18 above, and further in view of Weinmann et al. ("Photoshop 5.5 for Windows & Macintosh"; refer to as Weinmann herein).

35. Regarding claim 25, statements presented above, with respect to claims 11-14 are incorporated herein.

#### ***Response to Arguments***

36. Applicant's arguments with respect to claims 1, 6, 15, 18, 28 and 31 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

37. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Po-Wei (Dennis) Chen whose telephone number is (703) 305-8365. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew C Bella can be reached on (703) 308-6829. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Po-Wei (Dennis) Chen  
Examiner

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Po-Wei (Dennis) Chen  
June 14, 2004

*Matthew C. Bella*

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SUPERVISORY PATENT EXAMINER  
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